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**Z-2264**  
**TIM NORTON FOR VERIZON WIRELESS**  
**AA TO A**

**STAFF REPORT**  
**November 9, 2005**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, with owners' consent (Barbara and Floyd McIntyre), and represented by Elizabeth Bentz Williams of Clark Quinn law firm, is requesting the rezoning of a .12-acre easement area from AA to A in order to make an existing guyed primary communications tower conforming. This would also allow the ABZA to hear variance and special exception requests at its December 7, 2005 meeting to expand the use by adding an antenna and a 345 square foot building. The special exception request was first filed for the ABZA's August meeting, but was continued so the property could be rezoned (special exceptions for cell towers are not permitted in the AA zone). The rezoning request was continued from the September and October meetings because not all filing requirements were met. The site is about 1 ½ miles south of Stockwell and is located on the south side of SR 28 about ¼ mile east of CR 700E, Lauramie 21 (NW) 21-3.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

The County Commissioners rezoned this land and surrounding area from A to AA in 1988 as part of the overall Lauramie Township rezone (Z-1341). There have been no other rezones in the immediate area.

**AREA LAND USE PATTERNS:**

The 80' x 65' easement area in this petition contains a 225' tall guyed primary communications tower and equipment building. Uses surrounding this site consist of agricultural fields with a few homes scattered along the highway.

**TRAFFIC AND TRANSPORTATION:**

According to traffic counts taken in 2002, about 1,700 cars pass this site daily. The proposed rezoning would have no adverse effect on traffic.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

No well or septic is required for this use.

**STAFF COMMENTS:**

With this request, petitioner hopes to make an existing 225' tall primary communications tower conforming. Primary communications towers are only allowed in the A and AW zones with a special exception. Staff researched the history of the tower and could not find a building permit or a special exception for the structure. While it is not clear, it is

possible that when this tower was first erected staff thought it was for a public utility and that a special exception was not needed; however, staff later learned that the cell component of public utilities are not regulated by the Indiana Utility Regulatory Commission (IURC) and would require a special exception. According to a conversation with the landowners, the tower was erected in about 1991. If this rezone is granted, petitioner will proceed with the setback variance (from SR 28) and special exception requests to legitimize the tower, which would allow collocation of another cell phone company.

The **Soil Survey of Tippecanoe County, Indiana** shows that the soils in this small area are Starks-Fincastle complex (SwA). The **Survey** goes on to state that these soils are rated severe for wetness and yield about 135 bushels of corn per acre. While the yield for corn is high, it is not among the highest yields in the county. A conversation with the County Health Department revealed that these soils perk slowly and the water table is generally high.

The **UZO** states that boundaries for AA zones were drawn to include substantial areas having either the highest or a combination of high and highest potential for agricultural use. The .12-acre site is not a substantial area, but the soils do exhibit high potential for agricultural use. The fact is the tower has existed in this location for 14 years and it is unlikely that this tower will go away and the land be returned to agricultural production. Additional factors such as the soil's severe wetness and the location of this small tract adjacent to the highway persuade staff to support this request.

**STAFF RECOMMENDATION:**

Approval

16

AA

700E



28

# STATE ROAD 28

C.L. OF ROAD

EDGE OF PAVEMENT

EXISTING UTILITY POLE

40' RIGHT OF WAY LINE

EXISTING CONCRETE APPROACH

EXISTING DRIVE ACCESS DRIVE

EXISTING 15' ACCESS EASEMENT

AGRICULTURAL FIELD

NEW 12" X 12" H-FRAME POSTS  
TO EXISTING DRAWINGS

STRIPS OF 60"X6" LEASE WITH

EXISTING SP. TANK

EXISTING 6" CHAIN LINK FENCE  
WITH 1 STRAND BARBED WIRE

RELOCATE EXISTING 6" GATE  
LEADS TO NEW POSITION AS SHOWN

APPROX. 34 LF. NEW 6" CHAIN  
LINK FENCE TO MATCH EXISTING

EDGE OF EXISTING RIGHT-OF-WAY

12'-0"

21'-0"

12'-0"

21'-0"

21'-0"

21'-0"

21'-0"

21'-0"

21'-0"

21'-0"

SEE TO INVOKE CTS WITHIN  
CONE, AND CONSIDERABLE  
GROUND LOSS

EXISTING 225' CURED TOWER  
AND CONCRETE FOUNDATION

20" WIDE GALVANIZED  
RED IRON

APPROX. 12' OF NEW 6" CHAIN LINK  
FENCE AND 12' WIDE DOUBLE FARM  
GATE TO MATCH EXISTING

REMOVE APPROX. 12' OF  
EXISTING 6" CHAIN LINK FENCE

30 LF. 6" PRESTRESSED CONCRETE  
SHELF ON CONCRETE FOUNDATION  
SEE SHEETS E-1 AND E-2

ed Site Plan



AGRICULTURAL FIELD

EXISTING FENCE X NEW FENCE